IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHIONOGI IRELAND, LTD. (f/k/a SCIELE : CIVIL ACTION

PHARMA IRELAND, LTD.),

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Plaintiff,

:

v.

:

UNITED RESEARCH LABORATORIES, INC.,

NO. 11-2861

Defendant.

ORDER

AND NOW, this 16th day of August, 2011, upon consideration of Plaintiff Shionogi Ireland, Ltd.'s Motion to Dismiss Defendant United Research Laboratories, Inc.'s Counterclaims (Docket No. 9); Defendant's Response in Opposition (Docket No. 12); and Plaintiff's Reply Brief (Docket No. 15); it is hereby **ORDERED** as follows:

- 1. Plaintiff's Motion to Dismiss Defendant's First Counterclaim (Breach of Contract) is **GRANTED**. Defendant's Counterclaim for Breach of Contract is **DISMISSED**.
- 2. Plaintiff's Motion to Dismiss Defendant's Second Counterclaim (Breach of the Implied Covenant of Good Faith and Fair Dealing) is **DENIED**.
- 3. Plaintiff's Motion to Dismiss Defendant's Third Counterclaim (Declaratory Relief) is **DENIED**.

BY THE COURT:

s/Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.